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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

STAFF INSPECTOR DEBRA FRAZIER

CAPTAIN LAVERNE VANN

LIEUTENANT ANTHONY BURTON

POLICE OFFICER SHAMAL BRYANT

and

**THE GUARDIAN CIVIC LEAGUE,
PHILADELPHIA CHAPTER OF THE
NATIONAL ASSOCIATION OF BLACK
LAW ENFORCEMENT OFFICERS**

Plaintiffs,

v.

**CITY OF PHILADELPHIA
d/b/a PHILADELPHIA POLICE
DEPARTMENT**

1515 Arch St, 16th FL
Philadelphia, PA 19102

and

No.

**JURY TRIAL OF TWELVE (12)
DEMANDED**

CHIEF INSPECTOR ANTHONY BOYLE :
 Individually, and in his official capacity as a :
 Chief Inspector for the :
 PHILADELPHIA POLICE DEPARTMENT :
 1515 Arch St, 16th FL :
 Philadelphia, PA 19102 :
 and :
INSPECTOR RAYMOND EVERS :
 Individually, and in his official capacity as an :
 Inspector for the :
 PHILADELPHIA POLICE DEPARTMENT :
 1515 Arch St, 16th FL :
 Philadelphia, PA 19102 :
 and :
JOHN DOES ##1-100, :
Defendants.

CIVIL ACTION

Plaintiffs, Staff Inspector Debra Frazier, Captain Laverne Vann, Lieutenant Anthony Burton, Police Officer Shamal Bryant, and the Guardian Civic League of Philadelphia (collectively, “Plaintiffs”) bring this action against their employer, the City of Philadelphia d/b/a the Philadelphia Police Department (“PPD”), and their commanding officers, Chief Inspector Anthony Boyle and Inspector Raymond Evers (collectively, Boyle and Evers are referred to herein as “Commanding Officers”) (collectively, the City and the Commanding Officers are referred to herein as “Defendants”). Defendants have intentionally discriminated against Plaintiffs and have created a racially hostile work environment in violation of the civil rights of Plaintiffs under federal and state law. Defendants have also retaliated against Plaintiffs because of Plaintiffs’ refusal to follow, or opposition to, illegal policies, practices, customs and orders that were created, implemented, and ratified by Defendants.

JURISDICTION AND VENUE

1. This Court has jurisdiction and venue is appropriate in this judicial district because the facts complained of herein occurred in this judicial district, and this Complaint arises under the laws of the United States and seeks redress for violations of federal laws.

PARTIES

2. Plaintiff, Debra Frazier is a female African American adult individual who is a Staff Inspector assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

3. Plaintiff, Laverne Vann is a female African American adult individual who is a Captain assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

4. Plaintiff, Anthony Burton is a male African American adult individual who is a Lieutenant assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

5. Plaintiff, Shamal Bryant is a female African American adult individual who is a Police Officer assigned to the Narcotics Bureau of the PPD and resides in the Commonwealth of Pennsylvania. Plaintiff can be served care of her attorneys at the above-captioned address.

6. Plaintiff, Guardian Civic League, Philadelphia Chapter of the National Association of Black Law Enforcement Officers ("Civic League") is an organization in the Commonwealth of Pennsylvania that was formed for the benefit of African American police officers and supports Plaintiffs in their effort to address the inequities endured by Plaintiffs and African American police officers.

7. Defendant, City of Philadelphia, doing business as the Philadelphia Police Department (“PPD”), is a municipality, duly organized and existing under the laws of the Commonwealth of Pennsylvania, with an address for service at the above captioned address.

8. Defendant, Anthony Boyle, is a white male adult individual who, at all times material herein, was employed as a Chief Inspector for the Narcotics Bureau of the PPD. Defendant is sued both individually and in his official capacity.

9. Defendant, Raymond Evers, is a white male adult individual who, at all times material herein, was employed as an Inspector for the Narcotics Bureau of the PPD. Defendant is sued both individually and in his official capacity.

10. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below.

FACTUAL BACKGROUND

11. At all times relevant hereto, Plaintiffs and Defendants Commanding Officers Boyle and Evers were assigned to the Narcotics Bureau of the PPD.

12. At all times relevant, Defendants Boyle and Evers were and are the Commanding Officers of the Narcotics Bureau whose responsibilities consist of overseeing the operations and conduct of PPD personnel assigned to the Narcotics Bureau.

13. Plaintiffs are all members of a protected class, to wit: African American.

14. PPD meets the definition of employer as defined under Federal and Commonwealth laws.

15. At all times relevant, Plaintiff, Staff Inspector Frazier is and was the only African American assigned to the Narcotics Bureau who holds the rank of Staff Inspector. Plaintiff Staff Inspector Frazier is also the designated Integrity Officer of the Narcotics Bureau. Plaintiff Staff Inspector Frazier is the highest ranking African American police official in the Narcotics Bureau.

16. At all times relevant, Plaintiff, Officer Bryant, is and was assigned and employed as Staff Inspector Frazier's aide. Officer Bryant is the only black aide for the only black Inspector in the Narcotics Unit.

17. At all times relevant, Plaintiff, Captain Vann, is and was the only African American assigned to the Narcotics Bureau who holds the rank of Captain.

18. At all times relevant Plaintiff, Lieutenant Burton, is an African American assigned to the Narcotics Bureau.

19. At all times relevant, each of the Plaintiffs performed their duties of employment in a satisfactory manner.

20. In or around March 2017, Defendants Boyle and Evers became the Commanding Officers of the Narcotics Unit.

21. Upon information and belief, since becoming Commanding Officers, said Defendants have systemically and intentionally discriminated against Plaintiffs based on their race, creating a hostile work environment.

22. Additionally, Defendants implemented illegal policies, practices, customs and orders and subsequently retaliated against Plaintiffs as a direct result of their refusal to follow and/or opposition to same.

**DEFENDANTS' ILLEGAL ORDERS
TO FALSIFY NARCOTICS PROPERTY RECEIPTS**

23. In March 2017, the Commanding Officers conducted a Narcotics Bureau-wide meeting at which Plaintiffs were present.

24. At said meeting, Defendants directed Plaintiffs and all officers of the Narcotics Bureau to gather information by “flipping” arrestees, which policies included illegal commands and procedures to make “make the drugs go away” by falsification of property receipts that are used in court prosecutions to identify narcotics and chain of custody of evidence.

25. Through “flipping,” Commanding Officers expect and require officers to obscure the source of recovered narcotics if an arrestee is willing to provide information by falsifying the property receipt required pursuant to the arrest, which circumvents the approved Confidential Informant Directive that is currently in place in the Department.

26. Property Receipts are official police records that are required to be completed truthfully upon the recovery or seizure of narcotics or other property by police.

27. Each time items are recovered incident to an arrest, e.g., drugs, money, or other evidence, officers are required to include the recovered property in Property Receipt that identifies the purported owner (the arrestee) of said property as well as the specific location and description of the recovered property.

28. However, through the illegal “flipping” policies, Boyle and Evers have instructed the Narcotics Unit officers not to truthfully state the source of the recovered narcotics.

29. “Making the drugs go away” is achieved by falsifying the Property Receipt that lists the recovered items.

30. Commanding Officers explicitly instruct officers to omit the arrestees’ name, and/or the specific location of the recovered item as well as by listing recovered items on the

property receipt as “investigative objects” and/or as “recovered on the highway,” without identifying the arrestee from whom the narcotics were taken.

31. Property receipts are a primary item of evidence in any drug prosecution because such receipts establish the source of the alleged illegal narcotics or property, and documenting the chain of custody of same.

32. Property Receipts are signed by police officers and approved by supervisors.

33. The practice of falsification of property receipts brings into question the integrity of evidence, validity of prosecutions, and credibility of those narcotics officers who sign false receipts, and further puts arrestees' constitutional rights at serious risk.

PLAINTIFFS' REFUSAL TO ENGAGE IN ILLEGAL PRACTICES

34. At all times relevant hereto, each of the Plaintiffs have refused to engage in the illegal flipping practices and have taken actions to oppose the said practices.

35. Subsequent to said opposition, Defendants have retaliated against each of the Plaintiffs by subjecting them to adverse actions, including but not limited to the following:

- a. Commanding officers have threatened to change the locks to Plaintiff Staff Inspector Frazier's office with no explanation or cause; have harassed her aide, Plaintiff Officer Bryant; have nitpicked her weekly reports in an effort to create a paper trail to indicate she is not doing her job properly; have required her to discipline her aide, Officer Bryant, for false reasons; have intentionally shunned and excluded her from proper participation in the leadership of the Narcotics Unit; and, have accused her of not working when she was in fact working.

- b. Plaintiff Captain Vann was ordered to undergo “bike training” which is task for “bike cops” that a Captain has never been required to perform in the Narcotics Unit. As a result of this unprecedented directive, Captain Vann, who informed Commanding Officers that she never learned how to ride a bicycle, and that she would not be able to complete the “training,” fell off of the bicycle and sustained serious injuries that left her hospitalized for several days and forced her to go out on medical leave. Commanding Officers have also made it known to Captain Vann that they intend to involuntarily transfer her to keep her quiet and punish her for her opposition to the illegal practices.
- c. Commanding Officers have falsely accused Plaintiff Lieutenant Anthony Burton of misusing his assigned squad vehicle, and took that vehicle away from him so it could be assigned to more junior officer. Additionally, Lieutenant Burton has been subjected to false discipline and accusations for non-existent policy violations; has been secretly recorded in his office; has had his transfer requests intentionally delayed by inclusion of a disparaging and false memorandum in his transfer file, in an attempt to thwart his opportunity to transfer; and, has been falsely accused of submitting incorrect paperwork.
- d. Commanding Officers intentionally delayed or ignored Plaintiff Police Officer Shamal Bryant’s overtime requests; have denied her opportunities for overtime without cause and despite there being shifts available; have harassed her with false accusations of disciplinary violations, and have directed her to

cease inquiries concerning the overtime and assignments to which she is entitled.

INTENTIONAL RACIAL DISCRIMINATION

36. Additionally and/or in the alternative, Commanding Officers have and continue to foster a racially hostile work environment by intentionally targeting and discriminating against African American police officers to such a severe degree that there is a crisis of racial discrimination in the Narcotics Bureau that is currently coming increasingly hostile by the day.

37. Examples of discrimination are as follows:

- a. Commanding Officers allowed a confederate flag, a symbol of racism, white supremacy, and slavery, to be displayed on a Corporal's vehicle while parked at the workplace in full view of fellow law enforcement officers as well as persons in minority communities;
- b. Commanding Officers have referred to persons in minority communities by offensive names including "scum," and refer to the killing of persons in minority communities as "thinning the herd;"
- c. Commanding Officers have assigned African American officers to more dangerous locations and less favorable assignments and while assigning the more beneficial shifts and safer locations to similarly situated white officers; and
- d. Commanding Officers have subjected African American supervising officers to terms and conditions of employment different from those of similarly situated white supervising officers.

38. Defendants' conduct compromises the integrity of the narcotics unit, the PPD and justice system whose protections are guaranteed by the Constitutions of the United States as well as the Commonwealth of Pennsylvania.

39. As such, there is an unjustifiable risk that cases and testimony against minority arrestees have been and will continue to be tainted by racial bias and intentional discrimination and it is imperative that prosecutions and convictions be reviewed due to both discriminatory intention as well as falsification of property receipts and other evidence, as stated.

COUNT I – CIVIL RIGHTS VIOLATION
42 U.S.C. § 1983
RETALIATION FOR OPPOSITION TO ILLEGAL POLICIES, HOSTILE WORK
ENVIRONMENT, AND DISCRIMINATION ON THE BASIS OF RACE

40. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.

41. Defendants took the aforementioned adverse actions against Plaintiffs in retaliation their participation in the protected activity of opposing illegal flipping practices, which includes falsifying documents and evidence related to the recovery of drugs in arrests and operations.

42. As a result of Defendants' actions as aforesaid, Defendants have denied Plaintiffs the right to the same terms, conditions, privileges and benefits of their employment agreement with the City of Philadelphia Police Department, in violation of 42 U.S.C. § 1981.

43. Such violation of 42 U.S.C. § 1981 is actionable against the City of Philadelphia, a municipal entity, pursuant to 42 U.S.C. § 1983.

44. Plaintiffs have been discriminated against on the basis of their race, made to suffer humiliation and embarrassment, emotional distress, and have sustained damages for which

recovery of compensatory damages may be had pursuant to 42 U.S.C. § 1983. Said retaliation and discrimination against Plaintiffs were pervasive and regular.

45. Said retaliation and discrimination against have affected Plaintiffs to their detriment.

46. Said retaliation and discrimination would detrimentally affect a reasonable person under similar circumstances.

47. Said racial discrimination has caused a hostile work environment.

48. Said retaliation exacerbated the already hostile work environment to the point of a crisis.

49. Said violations were done intentionally and/or knowingly with malice or reckless indifference, and warrant the imposition of punitive damages.

50. As a direct and proximate result of Defendants' violation of 42 U.S.C. § 1983 Plaintiffs have suffered the damages and losses set forth herein and have incurred attorneys' fees and costs.

51. Plaintiffs are suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory and retaliatory acts unless and until this Court grants the relief requested herein.

52. The wrongful acts and conduct of Defendants were done with deliberate indifference to the statutory and constitutional rights of Plaintiffs.

53. As such, Plaintiffs have and continue to suffer damages as set forth herein.

COUNT II - TITLE VII VIOLATION
RACIAL DISCRIMINATION, HOSTILE WORK ENVIRONMENT
AND RETALIATION

54. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.

55. Defendants have intentionally discriminated against Plaintiffs based on their race.

56. Defendants have subjected Plaintiffs to the aforementioned adverse actions in retaliation of Plaintiffs engaging in the protected activity of refusing to follow illegal directives.

57. Said retaliation and discrimination against Plaintiffs was pervasive and regular.

58. Said retaliation and discrimination against has affected Plaintiffs to their detriment.

59. Said retaliation and discrimination would detrimentally affect a reasonable person under similar circumstances.

60. Said racial discrimination has caused this hostile work environment.

61. Said retaliation exacerbated the already hostile work environment to the point of a crisis.

62. Due to Defendants' violations, Plaintiffs have suffered and will continue to suffer irreparable injuries and monetary damages unless and until this Court grants the relief requested herein.

COUNT III - PHRA VIOLATION

63. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.

64. Defendants discriminated against Plaintiffs based on their race and retaliated against Plaintiffs for their refusal to follow illegal directives in violation of the PHRA.

65. Said violations were intentional and willful.

66. As a direct and proximate result of Defendants' violation of the PHRA, Plaintiffs have sustained the injuries, damages, and losses set forth herein and have incurred attorneys' fees and costs.

67. Plaintiffs suffer and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' acts unless and until the Court grants the relief requested herein.

COUNT IV - PFPO VIOLATION

68. Plaintiffs incorporate by reference all prior paragraphs as if fully set forth at length herein.

69. Plaintiffs are Defendants, by the above improper and retaliatory acts, have violated the PFPO.

70. Said violations were intentional and willful.

71. As a direct and proximate result of Defendants' conduct, Plaintiffs have sustained the injuries, damages, and losses set forth herein and have incurred attorneys' fees and costs.

72. Plaintiffs suffer and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' acts unless and until the Court grants the relief requested herein.

RELIEF

WHEREFORE, Plaintiffs seek damages and legal and equitable relief in connection with Defendants' improper conduct and specifically prays that this Court grant the following relief to Plaintiffs:

- a) declaring the acts and practices complained of herein to be in violation of Sections 1981 and 1983;
- b) declaring the acts and practices complained of herein to be in violation of Title VII;
- c) declaring the acts and practices complained of herein to be in violation of the PHRA;
- d) declaring the acts and practices complained of herein to be in violation of the PFPO;
- e) enjoining and permanently restraining the violations alleged herein;
- f) entering judgment against the Defendants and in favor of Plaintiffs in an amount to be determined;
- g) awarding compensatory damages to make Plaintiffs whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiffs have suffered or may suffer as a result of Defendants' improper conduct;
- h) awarding compensatory damages for Plaintiffs for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasures, which Plaintiffs have and continue to suffer as a result of Defendants' improper conduct
- i) awarding punitive damages to Plaintiffs;
- j) awarding Plaintiffs such other damages as are appropriate under Sections 1981 and 1983, Title VII, the PHRA, and the PFPO;
- k) awarding Plaintiffs the costs of suit, attorneys' fees; and expert fees and other; and
- l) granting such other and further relief as this Court may deem just, proper, or

equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

Respectfully Submitted,

WEISBERG LAW

BY: /s/ Matthew Weisberg
MATTHEW B. WEISBERG, ESQ

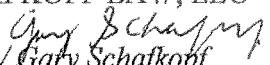
DATED: 12-1-2017

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BY: /s/ Brian R Mildenberg
BRIAN R. MILDENBERG, ESQ

DATED: 12-1-2017

SCHAFKOPF LAW, LLC


BY: /s/ Gary Schafkopf
GARY SCHAFKOPF, ESQ.

DATED: 12-1-2017

Of counsel on the Complaint:
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